

File 13484 (1-4)

APP F. IX-4

Previous References

1935.
(Muzrai)

File No. 312-35

Serial Nos. 1-3

Rev Memo 40-1892-93

205-27-30, 32.

Later References - 45-51, 52 & 54

L.R. 301-96851-6

Letter to Dy Comm Bangalore, No. 1490 d 26-6-1883

Do from " " " " No. 988 + 20 No. 5435 d 21-1-1884

Letter to Dy Comm Bangalore, No. 1490 d 26-6-1883

GENERAL AND REVENUE SECRETARIAT.

205-27-30, 32

Serial Nos. 3

Part B for July 36.

SUBJECT.

Review re the man lands endorsed for the
support of the Thope at Madivala
Bangalore Dk

Mr. A. R. Kumaragurunadhar

No 153 d 27-7-36

Intimating that his review petition & the
application for stay order are both rejected.

Muz Review no 20 of 1935-36.

General and Revenue
Secretariat

Muz File No. 312

of 193 5-6

[App. F. III-2

Serial
No.

Petition of 27. 5-36 filed by Mr. H. Srinivasa Rao M. A. - 2d B. Advocate on behalf of Mr. A. R. Annamaguru Mudaliar praying for a reconsideration of orders passed in Nos. 1554-57 / Muz 134-34-4 of 8/5/36 in the matter of the Thope in Maddurvala, Bangalore and the Inam lands endowed for its maintenance.

Petition of 27/5/36 filed by Mr. H. Srinivasa Rao M. A. - 2d B. Advocate on behalf of Mr. A. R. Annamaguru Mudaliar praying for a reconsideration of orders passed in Nos. 1554-57 / Muz 134-34-4 of 8/5/36 in the matter of the Thope in Maddurvala Village & the Inam lands endowed therefor.

Printed by the District Member of Council on P. U. D. I. :—

Presented by the Advocate - Shri A. R. Annamaguru Mudaliar.

Order of the Gen Sec on the same

P. U. D. :—

2 "Please put up the papers".

Muz. Collection leading to Nos. 1554-57 / Muz 134-34-4 of 8/5/36 has been taken by Mr. L. S. Rao: The papers are then the collection can not be presented. (Vice versa) in the matter of the Thope in Maddurvala Village & the Inam lands endowed therefor.

May

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of 1935

8

A Special Copy of the above order is put up for reference. The Commission will be forthwith as soon as it is forthcoming from the L.S. & B.I.

x E

3. The order is intended to pass to page 9 of the P. & B.I. where the petitioners says that they have no right to resume the land & the Inam lands therefor since less the Chattram & the Inam lands.

x K

4. As seen from the Copy of the order of 8/5/36, the question of resuming the Inam lands of the Chattram has not arisen & in fact this was not reported upon by the M.C. for order of 8/5/36. The Commission of the petitioners in P. & B.I. is the same as the one about which the B.C. the M.C. had already reported & on which orders have been passed. No fresh grounds have been urged by the petitioners. The orders of 8/5/36 have been passed after consulting the M.C. & more than once in view of the exhaustive & detailed report of the B.C. & of the orders passed after a mature consideration of all aspects of the case, whether the request for the grant

x E

x E

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of a stay order is desirable is a matter for
Consideration -

5 It is also for note if there is any
need for reviewing the orders (as prayed for)
which have been passed after Consultation the
M.C. at every stage -

G.S.
29/5/36 6 The connected records
will be called for from
the Muzrai Court if approved. Sub-
mitted with a draft. After this issues
the L.S.G. will be requested to for-
ward the connected & settl. file on
the Subject

Muz. G.S.

Please put a
draft letter to the Muzrai
Court. Calling for the
records of the offices of the
Dy. Commr., Bangalore &
the S.D.O. and the District
and that of the M.C.'s
office, if any, as stated in
the office note.
29.5.36

Muz. G.S.

such slips
are not intended
to form part of
the formal note,
as it is merely
a reference to the
contents of para 7
of the notes. Notes
written should on
Bodhani paper
should not be
passed on the formal
note, which becomes
disfigured if you
do so.

Connected file may first be got
from the L.S.G. Branch & put up
(1) Judgment of the 2nd Munsiff's Court
referred to in para 13 of the appeal may
be called for

29/5/36

1) L.S.G. Br.

20/5/36 — 17/ Instructions of 2.6.36
of the Prob. Secy. : — To
refer the file to L.S.G. for favour
(... putting up the connected file
file).

18/ L.S.G. W.C. for kind compliance
2.6.36 Attention is invited to the
orders of the Under Secretary,

Muzrai Branch, contained in para 9
of the notes. The orders of the Prob. Secy.,
L.S.G. Branch may be obtained in the
matter.

~~10/5~~ L.S.G. Br.) 14) The file containing
2.6.36. the collection has been
sent to the Prob. Secy.

On its return, the collection
may be placed out.

The colln viz 134-34-15/104 & C.

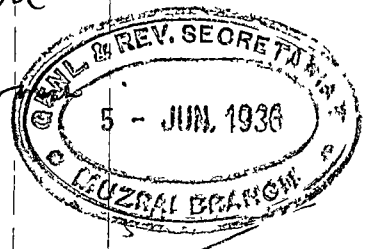
and other papers carry the judgment

of the Secy. himself at home

are herewith put up. The file will

be sent to the Muzrai Branch
4/6/36.

Muzrai Branch



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No.

17

x 2.

W-
* Pms 3740
naip 8 of m nls
in mly 134-34.
x R

My Collection 134-34-4 leading to over
no 1554-57 of 8/5/36 received from the
L-8-4 is to be for ref^d as directed in
para 9 supra. It is also circulating. The
Law Sec^y & the only Advocate is in
a recommendation of the M.C. as in his letter
no 442/33:34 of 10/1/36 the above
you are directing in assumption of the
Mamland ordered for the Madivala
Thope was passed recently -

16) The same was the same
Several persons connected with the Civil
Court. The Civil Court are the same

17) Copy of judgement of the Civil Court ref^d
to the para 10 supra which the Civil
in para 12 of the P.C. & says he has
furnished the same enclosed to the Rev.
Sec^y - 10. Of the Civil Court & the
judgment is here & of the Civil Court is for order.

18) 10/1/36

21) 10/1/36

No 1717 of 10. 1. 1936 to Mr. N. Srinivasan
Advocate for the Review petitioner Calling for additional
records to form enclosure to him per him

R. Maorvala Thope, the
 held therein
 enclosed for the Subpor
 312 of 93 S. 6

File No.

Secr

Copy of letter no 211 of 5.6.1936
 from the Secretary Development
 addressed to the President District
 Bangalore through the Deputy Com
 Calling for the resolutions of the
 Board in regard to the terms under
 they would hold a Shamdy at Tadiv
 Village Bangalore Taluk.

2) The question of further to
 be decided. Refd for general -

16/36

23) Dec
 12/6/36

146

Petition of 15/6/36 from Mr. H. Srin
 Rao, advocate for the petitioner stating
 that the judgment copy called for was for
 on 15/6/36.

The enclosures to the P. & D were
 received here today from the Revenue for
 the judgment copy civil court now
 found bare copy records received from
 the 1st Bd. & after going through all
 the entire records the Govt Advocate
 furnished his legal opinion as in paras
 27-40. 134-36-41. & there after acts
 as in paras. 67 & 68. The records were received on 14.7.36

R W

CP
 15/13 to of the
 of the Collector
 21.7.36

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It is against the order to review petitioners lies
before you and a stay of the order also has been
granted by the petitioners (Vice P. & B.I); in respect
of the request a note has been forwarded to the
to the ...

1936. The petitioner states that
S. No. 17 of Madivala on which the
thope stands was formerly an
occupancy belonging to his ancestors
and that the thope is his private
property. He relies on G. Co. No.
12534-44 dated 24th Jan'y. 1898
R. J. 116-92
and the Chief Commr.'s order No.
1550 6621-8 dated 12th March 1880,
725
The latter confers the right of
ownership of ~~private~~ thopes on
private individuals who planted
them, only in cases ^{where} no inam lands
were granted for raising such
thopes. But S. Nos. 12, 15 and 16
were granted in 1849 by the Sapt.,
Bangalore Div. as inam lands
for the raising and maintenance
of the thope standing on S. No. 17 of
Madivala. (Vide G. Co. No. 1554-57
dated 5th May 1936).

The petitioner cannot therefore claim
ownership of the land on which the

thope stands under the Chief Commr.'s order of 12th March 1880 or G.O. No. 12534-44 dated 24th Jan'y. 1898 & further F
 the Dy. Commr., Bangalore St., in his letter No. 92,579 dated 1st Novr. 1933 ^{that} S. No. 17 of Madivala village on which the ~~thope~~ Thope stands is Govt. Kharab according to the Khetwar. The Thope is called a gundu Thope (i.e., charitable Thope) in the Inam Settlement Register. E
 (Vide G.O. No. 15846-57 dated 5th May 1936). If the land is the private property of Mr. A. R. Kumaraguru Mudaliar, he should be able to adduce documentary evidence in support of it, such as Patta, title-deeds or other documents proving his title to the land, receipts for the Land Revenue or assessment on the land paid by him. But he has not produced any such evidence. On the other ^{hand} there is evidence proving that the land is Govt. Kharab as stated above. F
 Attention is also invited to the opinion of the Govt. ~~on this point.~~ (Vide paras 37 & 40 of the notes in file No. Mus. 134-36, Sl. 1-4). F
 As regards S. Nos. 12, 15 and 16 of Madivala, these were granted for raising and maintaining the Thope standing on S. No. 17 and the well in it subject to the condition that the Thope and

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G

the well are maintained in good condition. (Vide ^{letter C.2. 579 of the Dy. Commr., Bangalore St., dated 1st Novr. 1933} ~~the Dy. Commr., Bangalore St., dated 1st Novr. 1933~~), ^{Para 275 of the Revenue Manual, Vol. I} states that where imm lands are granted for the performance of any specific service, e.g., for the maintenance of a charitable institution (i.e. a gundu thope), they should be resumed, if the institution is not maintained in an efficient condition. Para 182 of the Revenue Manual, Vol. I, also states that where imm lands have been granted for the up-keep of a thope, the terms of the grant should be enforced. ^{Cy. No. 1554-57} have observed in G.O. No. ¹³⁴⁻³⁴⁻² dated 8th May 1936 that the terms of the grant are not being fulfilled. Vacancies are not being filled. Part of the land on which the thope stands is covered with lantana and scrub jungle. There are deep pits here and there in the thope in which villagers have been dumping manure. The Dy. Commr., Bangalore St., states that this has rendered the place not only unsightly but insalubrious. (Vide ^{letter no. C.2. 579 dated 1st Novr. 1933 of the Dy. Commr., Bangalore St.} ~~letter no. C.2. 579 dated 1st Novr. 1933 of the Dy. Commr., Bangalore St.~~).

H

have therefore ordered the resumption of the thope (G.O. No. 17) and the income lands granted for ~~raising~~ the maintenance of the thope and the well in it. (Vide G.O. No. 1554-57 ^{May 134-34-4} dated 8th May 1936). It is therefore a point for consideration whether there is any reason for re-consideration of the orders passed by Govt. in the matter in their order of 8th May 1936.

The petitioner states that ~~Govt.~~ the right of Govt. to resume the thope is time-barred. The thope (G.O. No. 17) is Govt. tharab according to the Rhetwar. The thope being a g. ~~thar~~ thope, the petitioner was merely manager of the thope. No time limit is imposed by the Land Revenue code for the resumption of thopes, which are not maintained efficiently. The petitioner's contention that Govt. have no right to resume S. Nos. 12, 15 and 16 of Masdiwala, which were granted for the maintenance of the thope and the well in it are also untenable. (Vide paras 182 and 275 of the Revenue Manual on this point).

11/2/35

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of

1935.

General and Revenue
Secretariat

28. As regards the shandy held in
thope, the permission to hold a
santhe or private market in S. No.
17 of Madivala village can be
with-drawn by Govt. Govt. have
with drawn the permission to hold
shandy granted to the ancestors
of Mr. A. R. Kumaraguru Mudaliar.
(Vide G. O. No. 15574-57 dated 8th
Aug. 134-34-4
Aug 1936). The manager of a
gundu thope raised with the help of
Govt. as in this case is not entitled
to derive any personal benefit
from it. (Vide paras 131 and 132
of the Revenue Manual, Vol. I).
The orders of the Govt. in the matter
are in accordance with paras 131 and
132 of the Revenue Manual, Vol. I.
The petitioner, Mr. A. R. Kumara-
guru Mudaliar has not only refused
to hand over collections made in
the shandy, but has refused to give
even accounts of the collections made
in the shandy. Attention is invited to
letter no. C2. 579 dated 1st Nov. 1935 of
the Dy. Commr. Bangalore St. on this
question).

29. The ^{injunction} ~~order~~ of the second
Munsiff Bangalore, granting an

GENERAL AND REVENUE SECRETARIAT:

()

NOTES.

File No.

FILE HEADING.

FROM

No.		Dated		Received	
Diary No.	}	Enclos.	Spare copies	}	Serial No.

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS.

among the Bangalore District-board from interfering with the petitioner's right to hold a santhe in the thope does not prevent Govt. from cancelling the license or permission granted by Govt. to one of the ancestors of Mr. A. R. Kumaraqura Mudaliar to hold a santhe in the thope, for the reasons stated in letter No. 22.579
33-34 dated 1st March 1933; since no civil court has got power to curtail the powers of Govt. in regard to this matter.

30) Nor does the opinion of ~~Govt.~~ the Munsiff that S. No. 17 of Madivala is the private property of Mr. A. R. Kumaraqura Mudaliar binding on Govt. The land is Govt. charab ~~for the~~ as stated in the G.O. of 8th May 1936. No civil court can entertain suits against Govt. for the possession of any land. (Vide sections 121 and 122 of the Land Revenue Code). The Govt. Advocate may be consulted on the legal aspects of the case mentioned above, if approved.

~~22~~
27.6.36.

31) Forwarded, with compliments, to the Govt. Advocate for favour of opinion.

Subbarayappa

For Genl Secy to Govt.

27/6/36

U.O. No 64/35-36
dated 27-6-1936

109 121-86
107-6-36

15.7.1936.

Govt. Advocate

GENERAL AND REVENUE SECRETARIAT.

()

NOTES.

File No.

FILE HEADING.

FROM

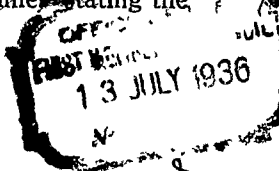
No.		Dated		Received	
Diary No	}	Enclos	Spare copies	}	Serial No.

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS.

NOTES—First Sheet

use or for 102 (3) 1317
A visitor desiring to see any officer is
requested to send up his name, stating the
nature of his business.



Name.....

Ahemios

Whom he wishes to see.....

Taventa

Business.....
In connection with a Mag
order passed for a de.

view of the place.

It is a large one
dabai re remaining

Certain lands near

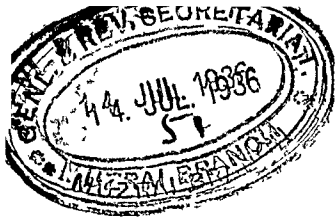
Magnila Bangleth

GENERAL AND REVENUE SECRETARIAT.

()

NOTES.

File No.



Recd on 14.7.36.

The Connected file (B. No. 136)
was sent M. O. to the
Govt. Advocate on 27.6.36
May
the file be submitted for
14.7.36 orders.

The file may be obtained
for reference

14/7/36

And.

Shackleton to

The G.A.'s office.

He was not found.

14.7.36.

Forwarded, with compliments, to the

Govt. Advocate for kindly expediting
the return of the file.

14/7/36

Subbarayappa

For Genl Secy to Govt

Returned with compliments in confirmation
of this Office No. 3 dated 15.7.1936, (which
which has been returned)

15.7.1936.

Subbarayappa
Govt. Advocate

14/7/36

14.7.36

16 JULY 1936

15.7.36

Serial
No.

Returned with compliments.

32 The General Secretary has discussed all the point arising in the case exhaustively in his ^{note} dated 18-3-1936 and there seem to be no reasons for reopening the matter now. The Government was not a party to the suit in the Second Munsiff's Court and the decision is not therefore binding on the Government. Moreover the questions of trusteeship &c., raised by the Govt. were not considered in that suit.

33 If the Plaintiff and his ancestors were in possession of the Thope as Trustees or Managers, there could be no adverse possession as against the Government and the Plaintiff's claim based on adverse possession is not therefore tenable.

M. M. A. S. M. A. S. M. A. S.
Government Advocate.

CSN/15.7.36

In view of the above opinion, the review application may be rejected and so also the application for a stay order.

Gen. Secy)

35) *hw* 24/7/36 ^{dec} 16/7/36

First Member.

1 *re*

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

37) *hw* 24/7/36

hw 23/7

no. 5/36-87
7 15-7/36

K P 13.14.15

134-34

16 JULY 1936

hw

papers and have
in sub to be on
May to obtain
stay order 24/7/36

hw *noted*

SS *15 JULY 1936*
697

15 May Renew no 20 of 193

File No.

312

of 1935.

38 Of the order
Cs 20-7-36 26-7-36 39 Issue 24-7-36

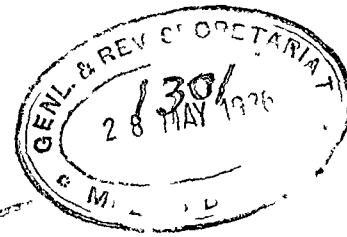
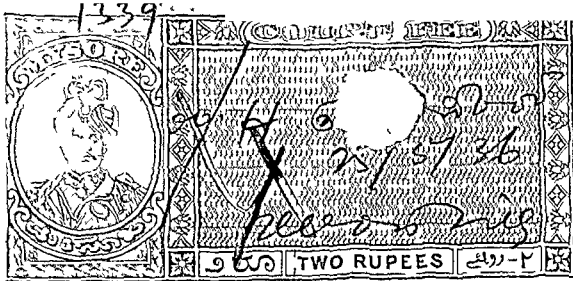
Encl. No 153 of 27.7.36 to Mr A.R. Kumaraguru 3
Mudaliar intimating that his review petition and
the application for a stay order are both
rejected.

Memo no 154 of 27.7.36 to the District
Commissioner forwarding copy of the endorsement
issued to the petitioner -

B

2

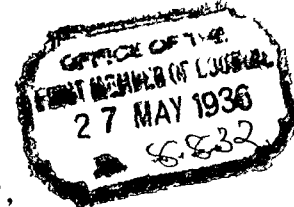
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produced in OS. 23/36-37
on the file of the Secy to
Bangalore

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA
OF MYSORE, BANGALORE.

Review Petition. of 35-36.



PETITIONER:-

A. R. Kumarazuru Mudaliar,
10.103, Virpalli Street,
C. & M.-Station, Bangalore.

Under Section 212 L. R. Code.

The Petition prays that this Hon'ble Government be pleased to call for records in the matter of the resumption of S. Nos. 1, 15 and 16 and 17 situated in Madivela village, Bangalore Taluk, and revise the order, setting aside the order passed in G.O. 10.1554-57 Duz. 134-34-4 on 8-5-36 on the following grounds:-

1. That S. 10.17 in Madivela village was formerly an occupancy land belonging to the ancestors of the petitioner from a time long prior to 1848. The petitioner has learnt from a very old relative of his that some kadayam was also being paid for the said land upto the year 1849, as it was under cultivation then. The ancestor of Mr. A.R. Kumarazuru Mudaliar or Mr. Annamalai Mudaliar with the charitable idea of erecting a temple on this land planted 700 trees.

Presented
by the Advocate

Jr.
27/5

Stay order
asked for

SPR
27/5

Please
put up
the papers
NW
27/5

2. Considering the planting of topes and trees would be better promoted by giving the planters an absolute right in the topes - the Chief Commissioner in his proceedings in 1847 was pleased to direct that:-

(i) all public Topes planted by private individuals be treated as private property of the planters;

(ii) that the lards bearing topes of trees be free from assessment, if any, and

(iii) that some Inam lards also be - granted in deserving cases for the upkeep of such topes etc.,

(3) Encouraged by this order of the Chief Commissioner, the petitioners' ancestors took a very keen interest in the topes and applied to him for the grant of inam - lards to him. Accordingly the sanction of the Chief Commissioner was conveyed " for the allotment of P. Candies, 3-13-15½ bunjar land to Annamalai Mudali of Jodi Inam in the Madivala village of the Begur Volagadi in the Bangalore Taluk, assessed at 18 C. Pazodos at the rate of 1½ and 1¾ C. Panam Per Codoo, on account of tope etc., planted by him" (Vide - letter No.2, dated 31-1849 from the Cffg. Secretary to the Chief Commissioner to the - Superintendent of Bangalore Division).

(4) From about the year 1849-50

the Petitioner's ancestors, not only secured through the personal sympathy of the then - Chief Commission Sir Mark Cubbon, Inam Land for the upkeep of the tope planted by him but also got the tope land S.No.17., freed from the small assessment to which it was previously subjected and at the same time his full private ownership of the said land.

(5) In January 1876 the Inam - certificate in respect of the grant of the - Inam lands S.Nos. 12, 13 and 15 quite adjacent to the tope land S.No.17 was also issued to the petitioner's ancestors as set apart for the maintenance of the tope.

(6) The Petitioner invites reference to the order of the Government of Mysore, No. ⁷648/28. 8th May 1883 under which the holding of a Shanay in the tope near Annamalai Palya the property of Rajasabhabhushara Rai Bahadur Sabhapathi Mudaliar, in the Bangalore Taluk. This Tope in which the Shanay is held is S. No.17 of Madivala village and there is no dispute about it.

(7) In the endorsement as well as in the said Government Order, in which the - former is based, it is clearly admitted by the Mysore Government that the tope belonged to - Mr. Sabha Pathi Mudaliar himself. The words " *Sabha Pathi* " found in the said endorsement are quite significant of the

private ownership of the said land.

E (8) Similarly in a communication by the Amildar, Bangalore Taluk to Mr. Sabha Pathi Mudaliar confirming the holding of the shandy permanently in the said tope land - similar words are used. Vide Mysore Govt. Order. No. 5435/445/21-1-1884 and Amildar's endorsement dated 2-2-1884.

(9) The final title Deed No. 736/ 3th March 1888 issued by the Superintendent of Survey & Inam Settlement mentions the grant of S.Nos. 12, 15 and 16 of Madivala Village but does not include the tope land S.No. 17 thereof, which belonged to the Petitioner's ancestors.

(10). Again, when the right of the petitioner to use for his private purposes the manure collected during the shandy holdings on the said tope land was put to auction by the Taluk Board, Bangalore in 1920, the petitioner wrongly protested against such auction on the ground that the Board could not interfere in his private rights in the property which he was enjoying for the past over 75 years. This protest was found untenable, the auction was stopped, the fact that he had the right to use and collect for himself the said manure was properly recognised and recorded by the Board who informed him that he may continue to exercise his said right in the property. Vide End./

20-7-30 issued by the President of the Taluk Board, Bangalore.)

(11) The District Board, Bangalore have more than once tried to interfere with
3 | the petitioner's rights to hold the shandy on
the said tope land and to control such shand-
ies by levying some fees therefor, etc., They
were informed more than once in the matter -
" that they cannot control nor interfere with
the ~~existence~~^{very} rights of the petitioner to hold
shandies in accordance with sanction of Govern-
ment previously given and that such control -
will be considered interference and may give -
rise to litigation which on the side of the
District Board, cannot be sustained, (Vide -
General Secretary's letter No.L. 1637/L.B.4-
26-51/17-9-1927.)

(12.) On account of the several
further attempts of the Bangalore District -
Board, to interfere with the private rights
of the Petitioner in respect of holding -
shandies, on the tope land the petitioner was
compelled to file a suit C.S.No. 575 of 1927-
28, in the Second Munsiff's Court, Bangalore,
and he also obtained a permanent injunction
restraining the said District Board from inter-
fering with his rights of enjoyment of the -
said Santhe and to pay him all the damages -
incurred by him on account of the suit. Vide
Copy of the judgment and decree herewith -
furnished.

(13) In the said judgment referred to above, a clear finding and decision have been given by the learned Second Munsiff, that the ~~private~~ property of S.No.17, the tope land is the private property of the petitioner, and not Government land. And that the petitioner is entitled to use it according to his own wishes ^{and} ~~and controlled~~ ~~by any adverse parties.~~ *mm*

(14). Reference is also invited to the G.O.No. 12534/44/RF-116-92 dated ^x 24-1-1895 (Para 3 thereof relating to the management of topes). This order makes reference to two kinds of topes - Public and Government. The former tope it is ~~is~~ stated therein have been entered in the Registers as Fharab and that the rights of the Planters, therein have been recorded in the Faisal Patrikas and that all topes in which no such private rights exist are - shown as Government Topes. On application of these principles, it will be clearly seen that the tope in question is only a - public tope, in which private rights do - exist and such private rights do also cover the enjoyment of the income through shardias from the Tope land by the Petitioner, for his own private purposes according to ~~his~~ his wishes unconditionally.

(15) The tope land in question

being in unconditional possession and enjoyment of the petitioner's ancestor and of himself, for the past over 80 years, the claim of the Benign Government, if any, (for argument purpose) to recover it from him after the lapse of 60 years is time barred and not tenable.

(16). So far as the grant of - lands to the Chatram referred to in the - notice is concerned, the petitioner begs to submit that they were granted not simultaneously but in different years and on different conditions and have no manner of connection whatsoever with the Tope and the Inam Lands endowed thereto. The allegations of mis-management of the Chatram and its - Inam lands are vague and not specific and the petitioner emphatically asserts that they are being properly managed.

(19). In the circumstances the Petitioner humbly begs to contend that:-

(a) That the tope land is his private and absolute property with full - rights of ownership and enjoyment;

(b) That the tope land is never Government land in the sense ~~in~~ that its - ownerships rests with the Government;

(c) That the tope and the Inam lands are properly being managed, and there

has been no case of mis-management against them;

Q. F —

(d) That the income from the tope Inam lands is about Rs.50-0-0 after deducting the kandayan of Rs. 37-0-0 due thereon annually, and that this amount is being paid towards the expenses as being detailed and directed in the Government Order dated the 24th January, 1895 of their maintenance in good condition. Besides the portion of the income from the tope land is being fully utilised towards the said expenses annually;

(e) That the petitioner is entitled to utilise the income from the shandy held on the tope land for the past 60 years for his private purposes;

(f) That the Government in their Order of 1883 only accorded their formal - sanction to hold the private shandy on the tope land as required under the then existing rules and did not (and they could not) lay down any conditions for utilisation of the income from the said shandy. If they had any right, to lay down any such conditions, they could certainly have done so. The reason for this omission is clear.

(g) That the right of the Government, if any to recover the tope land, which is his private property, is time barred and not recoverable otherwise also.

(h) That the show cause notice issued to the petitioner states that because the income from the shandy or the tope land is being utilised by the Petitioner for his own private purposes, the petitioner should show cause as to why the tope, the Inam lands endowed thereto, the Chatram and the Inam lands thereof should not be resumed to Government.

In this correction, the petitioner most emphatically states that the Iram lands of the tope and the Chatram and the Inam lands thereof were only granted in different years and on different conditions altogether and have no manner of connection either singly or collectively whatsoever; As such, the reason that because the tope Inam lands are being mis-managed, the Chatram and the Inam lands thereof should also be resumed to Government is opposed to all principles of logic, reason and rhyme. In spite of the repeated requests of the petitioner no higher officer has come and inspected this spot. A personal inspection of the spot would assure anybody that the Tope is being properly managed. Even prima-facie as the Notice stands, no case of mis-management of the Chatram and the Iram Lands thereof is made out by the Berier Government.

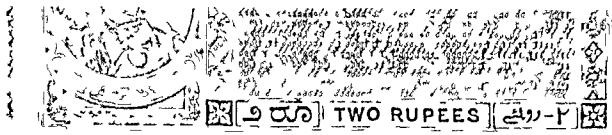
(i) That the Government have no right to resume the tope land and the inam lands therefor still less the chatram and the Inam Lands.

The Petitioner, therefore humbly
prays, that the Berian Government may be
pleased to drop the vexatious proceedings -
against him and he is always prepared to obey
their lawful orders consistent with his pri-
vate rights in the property at all times, not
only to carry out their legitimate wishes but
also to keep his ancestors' memory ~~in~~ green in
~~perpetually.~~ *perpetually*

H. Greening

BANGALORE CITY,)
27-5-1936.)

PETITIONER.



Before the Government of Mysore

In the Court of the Highness the Maharaja of Mysore Bangalore

Memorandum No. of 1935-36.

Produced on 08 23/36-37 on the file of the ST 2 Bangalore 2 Sept

Plaintiff Appellant

Defendant Respondent

Petitioner

A. R. Kumaraswami Srinivasan

vs.

1. I, above named do, by these presents, retain

MR. K. RAMAKRISHNAIA, B.A., LL.B. ADVOCATE. 13 79, BALEPET, BANGALORE CITY

to appear and conduct the above case on behalf to judgement.

2. further empower him to do all necessary acts in the above case, to execute any decree or order that may be passed in behalf, and to receive from the Court all documents, refunds and all sums of money that may be entitled to get and grant receipts therefor.

3. also undertake to confirm and ratify all the acts done by the said Advocate or any other Advocate on his behalf in so doing.

BANGALORE, 24/5/1936

A. R. Kumaraswami

Personally known to me and signed in my presence.

[Signature]

ACCEPTED

H. Sreenivasiah

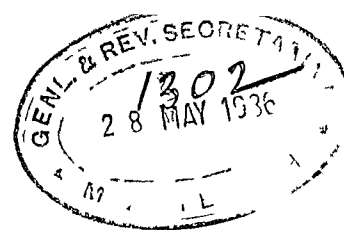
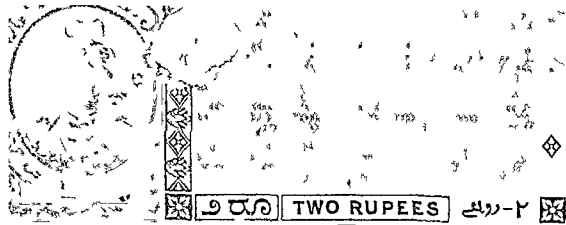
Advocate

24/5/36

Advocate for

Petitioner

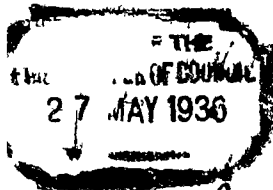
24/5/36



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

OF MYSORE,

BANGALORE.



Review Petitioner of 35-36.

produced in 08.28/36
on the file of the District
Bangalore
Dept

Petitioner

AR Kumargun
indian

The Petitioner begs to state as follows:-

1. That in this case the Government have directed the resumption of S. Nos. 12, 15 and 16 and 17 which are in the possession of the Petitioner's family for over 75 years.

The late Mr. Sabhapathi Indalwar, who was one of the first Councillors of the State was also in possession of these properties.

2. In the Government Order the Government apart from other facts have entirely ignored the fact that the Petitioner and his family are in possession of the lands for over the statutory period of sixty years, and the Government have in this case lost whatever rights they might have had in the property.

3. Ever since the, as stated in the Review Petition, the Petitioner has clear evidence to show that the Property is Private Property.

4. Having been in possession for over 75 years or 80 years, he will be greatly and irreparably prejudiced if he is put out of possession suddenly.

5. Wherefore the Petitioner prays
that this Hon'ble Government might be -
pleased to issue an ad interim stay order
directing stay of proceedings until the deci-
sion of this Review Application.

BANGALORE,)
21-5-1936)

Abreenunna
Advocate
politane

Produced in O.S. 23
on the file of the Pt. et
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Sept.

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ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್

ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್

Gent

Kunnarapur

Vs

Quordak

ಮ|| ರಾ||

Hireemirigala R. H. B
Bamraka

Opponent
ಬರಿಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಶ್ಚರ್ಯವೆನಿಸುವ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆಡಳಿತಕ್ಕೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿಯೊಬಲಗು, ತಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ, ದತ್ತವಜು ವ್ಯಗ್ರಿರೆಗೆ ಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಖುದ್ದು ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾ|| _____ } ರಜು, J. R. Kunnaraguru

ಈ ಮೊಕ್ತಾಯಾನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ
ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿರುತ್ತಾರೆ
J. R.

ಈ ಮೊಕ್ತಾಯಾನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.
Hireemirigala
Opponent
Bamraka

ದೊರೆಯುವಸ್ಥಳ:— ಬಿ ಲಿಂಗಪ್ಪಯ್ಯ ಸ್ಟಾಂಪ್‌ವೆಂಡರ್ ಬಳಿ ಸಿಕ್ಕುತ್ತೆ.

ಡೇವಿ ಪವರ್ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

Please quote this number
in your future commu-
nications.

1712

July 3

Office of the General & Revenue Secretariat

Dated 9th June 1936.

10th

29

ENDORSEMENT.

To

Mr. H. Srinivasa Rao, M.A., LL.B.,
Advocate, 18, Balepet, Bangalore City.

Reference:- ~~His/Her letter~~ ^{The revision} petition dated 27.5.1936 filed by him.
XXXXXXXXXXXXXX

Subject:-
S.No 17 ~~and the~~ Re. the resumption of the Thope at Madivala Bangalore
Taluk Inam lands endowed therefor
S.No. 17 and the C.Nos. 12, 15 and 16 of the same village

Reference is invited to item No... 5. ... below.

By Order,

Signature.

Designation General Secretary to Government.

R. 2*

- ~~1. The request cannot be granted.~~
2. The letter/petition has been referred to.....
for.....
3. Attention is drawn to this office No. dated
- ~~4. No. dated cannot be traced; a copy may be sent.~~
5. The enclosures ~~are not received~~ ^{viz. authenticated copies of the judgement referred to in} /XXXXXXXXXXXXXX in para 12 of the petition are not received and they may be sent.
- ~~6. The petition is returned herewith as~~
 - (i) it is not in the prescribed form
 - or (ii) it is not duly stamped
 - or (iii) it is not presented within the prescribed time
 - or (iv) it is not accompanied by a copy of the order appealed from or complained of.
7. The petition is returned for presentation to.....
8. The petition is returned (a) as it is written illegibly
(b) as its subject matter is not clear
(c) as it is couched in improper language.

*Reasons if any to be mentioned in brief.

communications.

No. 171

1301

171

Dated. Bangalore 26/5/1936

10-6-36

ENDORSEMENT.

To Mr. K. Srinivas Rao M. A. Adl. B.
Advocate. 18. Balepet Bangalore City

Reference:- The Revision
His/Her letter/petition dated 27/5/36 filed

Subject:- by him - as Madivala Blm. II

Re: the assumption of the Thope

S. No. 17 and the 14th and 15th of the same village. Therefore
S. Nos. 12, 15 and 16 of the same village. Therefore
Reference is invited to item No. 5 below.

B.O

Signature.

Designation.

1. The request cannot be granted
2. The letter/petition has been referred to
for
3. Attention is drawn to this office No. dated.
4. No. dated cannot be traced; a copy may be sent.
viz. authorized copies of the judgment referred to in para 2
5. The enclosures are not received. ~~From per~~ they may ~~be sent~~ be sent.
6. The petition is returned herewith as
(i) it is not in the prescribed form
or (ii) it is not duly stamped
or (iii) it is not presented within the prescribed time
or (iv) it is not accompanied by a copy of the order
appealed from or complained of.
7. The petition is returned for presentation to
8. The petition is returned (a) as it is written illegibly
(b) as its subject matter is not clear
(c) as it is couched in improper language.

*Reasons if any to be mentioned in brief.

No. 11

35-46

Dated, Bangalore, 4th June

193

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department

To

The President,
District Board, Bangalore,
(through the Deputy Commissioner, Bangalore)

Sir,

I am directed to return herewith the file of records regarding the dispute in respect of holding a shandy at Madivala Village, Bangalore taluk, received with your letter No. C1.8-72/332-33 dated 10th February 1936 and to state that Government have passed orders in their order No. 1554-57/Muz 154-54-4 dated 8th May 1936 directing that S.No. 17 of the village be resumed to Government and the permission granted to Mr. Kumaragun'coalialar to hold a shandy in the thope be withdrawn and that action may be taken to consult the District Board if they would hold a shandy in the thope and if so on what terms. I am to request you to place the matter before the Board and obtain and forward their resolution in the matter.

A copy of the Government order referred to is enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

Sd.M.Venkatanaranappa,
Secretary to Government,
Development Department.

CC Memo No. L. 12 of 5.6.36

Copy of the above is forwarded with compliments to the Deputy Commissioner, Bangalore, with reference to Government Order No. 1554-57/Muz.134-34-4 dated 8th May 1936.

By Order,

Shubbarao

For Secretary to Government,

Rmr Development Department.

*Copy to G.
- Hing*

Copy to Muzrai Branch.

*ccg
2/6/36*

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Hygiene the Maharaja of

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ENDORSEMENT.

24

Mr. A.R. Kumaraguru Mudaliar, No. 103 Virpalli Street,
Civil and Military Station, Bangalore, C/o Mr. H. Briniva
Rao, B.A., LL.B., Advocate, No. 18, Balapet, Bangalore City

With reference to his petition dated the 27th May
1936 praying for a reconsideration of the orders passed
in G.O. No. 1554-57/Muz.134-34-4 dated 8-9-1936 directing
the resumption of S.No.s 12, 15 and 16 of Andivala village
Bangalore Taluk which were endowed as Inam lands for the
maintenance of the Gundu Thope standing on Survey No. 17
of that village and also the resumption of S.No. 17 and
withdrawing the permission granted for holding a chandy
therein and requesting that said orders be held in abeyance
till the final disposal of the review petition,
Mr. A.R. Kumaraguru Mudaliar is informed that Government
see no reason to reconsider the orders already passed on
the subject and the review petition and the application
for

for a stay order are both rejected.

By order,

Subramanyappa

For General Secretary to

G-5

Section *11/3*File No. *312-35*Serial No. *3*

No. of letter replied to

No. *153* / *Enc. 1 judgment Collg.*

To

*Mr. A. R. Humaragalli**No. 103 Virpalli Street**Ct. H. Station Bangalore**C/o**Mr. K. Srinivas Rao*
*M. A. Adls**Advocate. No. 18**Balepet Bangalore*

General and Revenue Secretariat

()

the 193 .

of issue *27.7.36*red by *Mr. D. R. S.**With ref. to his let^r of 27.5.36*
*praying for a reconsideration**of the order passed in S. No. 155 of 37**of 27/2/36, in*
*S. Nos 12, 15 and 16**of Madavala village,**as the same lands**standing on S. No. 17 of 37**the Thope, Madavala Village**Balepet, Bangalore**and also the resumption of S. No 17*

List of enclosures

which were endorsed as maintenance of the

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Examined by

~~the~~ ~~the~~ ~~of~~ ~~stand~~ ~~and~~ ~~also~~ ~~with~~ ~~drawing~~
the permission granted for ^{holding a} stand
being held ^{and} ~~therein~~ ~~to~~ ~~regarding~~

That ~~the~~ ~~the~~ ~~said~~ ~~over~~ ~~to~~
held ⁱⁿ ~~also~~ ~~abeyance~~ ~~the~~ ~~the~~
final disposal of ~~the~~ ~~review~~

perⁿ, by A-R. Kumaarama
Mudaliar is informed ~~that~~

One see no reason to reconsider
the ~~own~~ ~~already~~ ~~passed~~ ^{on the subject and} ~~the~~
review perⁿ ^{and together with the appn for a stay order are both} ~~is~~ ~~rejected~~ -

B. O

24/7/86

Memo No 154 / May 3/2-35-3 ^{for Gen Sec} dated 27-7-86
to M.C. for information.

B - O

^{secy}
for Gen Sec

Cong to L.S.G. by

21 Rev to V. S.

Q. S. ~~11~~